

**ALLEGED VIOLATION:** On or about September 9 and 29 and October 11, 13, 15, and 22, 1951, while quantities of *dextro-amphetamine sulfate tablets*, *Seconal Sodium capsules*, *methamphetamine hydrochloride tablets*, and *methyldtestosterone tablets* were being held for sale at Mose Drug, Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Mose Drug, Inc., was charged with causing the acts of repacking and dispensing of the drugs involved in each of the 8 counts of the information, and, in addition, Defendant Preston, in 5 of the counts, and Defendant Clark, in 3 of the counts, were charged with causing such acts to be done in connection with the drugs involved in those counts.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of all of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), portions of the repackaged *dextro-amphetamine sulfate tablets* and *methyldtestosterone tablets* and all of the repackaged *methamphetamine hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *methamphetamine hydrochloride tablets* and a portion of the *methyldtestosterone tablets* failed to bear labels containing the common or usual name of the active ingredients of the drugs; and, Section 502 (f) (2), the repackaged *methamphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

**DISPOSITION:** November 20, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$200 against the corporation, \$75 against Defendant Preston, and \$45 against Defendant Clark.

**3860. Misbranding of diethylstilbestrol tablets and dextro-amphetamine sulfate tablets.** U. S. v. Grover C. Gearien (Gearien's Prescription Store). Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 33728. Sample Nos. 32704-L, 34339-L, 34350-L, 34352-L, 34454-L.)

**INFORMATION FILED:** November 20, 1952, Southern District of Illinois, against Grover C. Gearien, trading as Gearien's Prescription Store, Chillicothe, Ill.

**ALLEGED VIOLATION:** On or about February 20, 25, 26, and 28, and March 3, 1952, while a number of *diethylstilbestrol tablets* and *dextro-amphetamine sulfate tablets* were being held for sale at Gearien's Prescription Store after shipment in interstate commerce, the defendant caused quantities of such tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged *diethylstilbestrol tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

**DISPOSITION:** December 3, 1952. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs.

### INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3841 TO 3860

#### PRODUCTS

N. J. No.	N. J. No.
Amphetamine citrate tablets_____ 3855	Methyltestosterone tablets_____ 3853,
dextro-, sulfate tablets_____ <sup>1</sup> 3844,	3856-3859
3856-3860	Penicillin tablets_____ <sup>2</sup> 3841
sulfate tablets_____ 3845	Pentobarbital sodium capsules___ <sup>2</sup> 3841,
Androgenic substances_ 3853, 3856-3859	<sup>1, 3</sup> 3847-3851, 3855
Apiol and ergot capsules___ <sup>1</sup> 3854-3856	and aspirin capsules_____ 3856, 3857
Benzedrine Sulfate tablets_____ 3846	Pentresamide tablets_____ 3852
Combisul tablets_____ 3852	Phenobarbital tablets_____ 3858
Dexedrine Sulfate tablets_____ <sup>1</sup> 3854	and mannitol hexanitrate tab-
Dextro-amphetamine sulfate tab-	lets _____ 3857, 3858
lets_____ <sup>1</sup> 3844, 3856-3860	Savatan capsules_____ 3846
Diethylstilbestrol tablets_____ 3858, 3860	Seconal Sodium capsules_ <sup>1, 4</sup> 3842-3844,
Emmenagogues _____ <sup>1</sup> 3854-3856	<sup>1, 3</sup> 3846-3850, <sup>1</sup> 3852-3854, 3859
Estrogenic substances_____ 3858, 3860	and Amytal Sodium cap-
Mannitol hexanitrate and pheno-	sules _____ 3845
barbital tablets. <i>See</i> Pheno-	Sulfadiazine tablets_____ <sup>1</sup> 3854
barbital and mannitol hexa-	Sulfathiazole tablets_____ <sup>2</sup> 3841, 3851
nitrate tablets.	Thyroid tablets_____ 3853, 3857
Methamphetamine hydrochloride	
tablets _____ 3856, 3859	

<sup>1</sup> (3844, 3847, 3849, 3854) Prosecution contested.

<sup>2</sup> (3841) Prosecution contested. Contains charge to the jury.

<sup>3</sup> (3848) Prosecution contested. Contains order of the court.

<sup>4</sup> (3842) Prosecution contested. Contains opinion of the court.

# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3861-3880

### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the U. S. Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs*.

WASHINGTON, D. C., May 14, 1953.

#### CONTENTS \*

	Page		Page
New drug shipped without effective application.....	358	Drugs actionable because of deviation from official or own standards.....	365
Drug for veterinary use.....	358	Drugs actionable because of false and misleading claims.....	366
Violative sales of prescription drugs.....	358	Drugs for human use.....	366
Drugs and devices actionable because of failure to bear adequate directions or warning statements.....	359	Drugs for veterinary use.....	370
Drugs actionable because of contamination with filth.....	364	Index.....	371

\*For drug actionable because of potential danger when used according to directions, see No. 3861 (veterinary preparation); presence of a habit-forming narcotic without warning statement, Nos. 3863-3866; omission of, or unsatisfactory, ingredients statements, Nos. 3861 (veterinary preparation), 3864, 3865, 3867; imitation of, and sale under name of, another drug, No. 3867; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3863-3867; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3863, 3865-3867.

357